



Entered on Docket
May 13, 2008

A handwritten signature in cursive, appearing to read "Linda B. Riegle", is written over a horizontal line.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,
USA Capital Realty Advisors, LLC,
USA Capital Diversified Trust Deed Fund, LLC,
USA Capital First Trust Deed Fund, LLC,¹
USA Securities, LLC,²
Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING THIRD
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED UPON INVESTMENT IN
THE ELIZABETH MAY REAL
ESTATE LOAN**

Hearing Date: May 8, 2008
Hearing Time: 10:30 a.m.

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Third Omnibus
2 Objection to Proofs of Claim Based Upon Investment in the Elizabeth May Real Estate
3 Loan (the "Objection") [DE 6103]. Adequate notice of the Objection was given. No
4 responses were filed to the Objection and no opposition was raised to the Objection at the
5 hearing on May 8, 2008. Good cause appearing,

6 IT IS ORDERED that the Objection is sustained and the Proofs of Claim listed on
7 Exhibit A attached are disallowed in their entirety because they were based entirely upon
8 an investment in the Elizabeth May Real Estate Loan.

9 ###

10 PREPARED AND SUBMITTED:

11 **LEWIS AND ROCA LLP**

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13 By: /s/ RC (#0006593)
14 Susan M. Freeman
15 Rob Charles
16 John Hinderaker
Attorneys for USACM Liquidating Trust

CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ RC (#0006593)

Susan M. Freeman

Rob Charles

John Hinderaker

Attorneys for USACM Liquidating Trust

**ELIZABETH MAY LOAN
THIRD OMNIBUS OBJECTION**

**EXHIBIT A
Single Loan Claims**

Claim	Name	Address	Total Claim Amount	Amount Subject to Objection Because it Relates to an Investment In the Elizabeth May Loan
10725-01467	Pasquale C. Mauro Family Trust DTD 4/19/95	c/o Pasquale C. Mauro Trustee 7768 Painted Sunset Drive Las Vegas, NV 89149-6453	\$85,000.00	\$85,000.00
10725-01612	McConnell Family Trust DTD 12/3/81	James M. and Maudrene F. McConnell Trustees 970 Fairway Boulevard Incline Village, NV 89451	\$54,600.00	\$54,600.00
10725-01210	Sergio and Irene Schmuker Molina	P.O. Box 859 12150 South Dart Road Molalla, OR 97038	\$50,000.00	\$50,000.00
10725-00100	Murphy Family Trust	Dr. James and Tracy Murphy Trustees c/o Christopher D. Jaime Esq. P.O. Box 30000 Reno, NV 89520	\$75,699.00	\$75,699.00
10725-00470	Murphy Family Trust	Dr. James and Tracy Murphy Trustees Christopher D. Jaime, Esq. P.O. Box 30000 Reno, NV 89520	\$75,699.00	\$75,699.00
10725-00083	Patricia O Hoglund, IRA	7574 Green Lake Drive North Seattle, WA 98103-7574	\$51,055.03	\$51,055.03
10725-00636	Polacheck's Jeweler's PSP DTD 2/20/73	Stephen Polacheck Trustee 4719 Commons Way, Suite E Calabasas, CA 91302	\$135,000.00	\$135,000.00